IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 12575 of 2005

Between:

Salepu Ramanaji W/o. Srinivasa Rao, Hindu,
R/o. Palepuvanipalem, Parawada Mandal, Visakhapatnam.

..... PETITIONER

AND

1 The Joint Collector, Visakhapatnam District, Visakhapatnam
2 The Revenue DIvisional Officer, Visakhapatnam DIstrict, Visakhapatnam.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st Respondent in not interfering with the Proc.No. CSC.No. 3/2005-C, dt. 11-1-2005 of the 2nd respondent suspending the authorisation of the petitioner's Fair Price Shop No.30, Palepuvani Palem,. Parawada Mandal, Visakhapatnam is highly illegal, arbitrary and unjustified with a direction to the Respondents to revoke the suspension and release the stocks to the Petitioner's Fair Price shop No.30, Palepuvanipalem, Parawada Mandal, Visakhapatnam.

Counsel for the Petitioner:MR.M.V.S.SAI KUMAR

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court made the following :

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ORDER:

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1. In this writ petition, the petitioner is aggrieved by the order of the Joint Collector, Visakhapatnam-1st respondent dated 8-4-2005, whereby the 1st respondent-appellate authority, while holding that he did not find any reason to interfere with the order of suspension passed by the Revenue Divisional Officer, Visakapatnam, disposed of the appeal directing the Revenue Divisional Officer, Visakhapatnam to complete the disciplinary proceedings expeditiously.

2. The learned counsel for the petitioner contends that by order dated 28-2-2005 in W.P.No.3174 of 2005 this Court passed an order of interim suspension of the order of the Revenue Divisional Officer, pending decision by the appellate authority. The learned counsel contends that the same order maybe passed pending completion of disciplinary enquiry by the Revenue Divisional Officer.

3. I am afraid I cannot agree. The petitioner cannot, as a matter of right, claim that the earlier order, dated 28-2-2005 passed by this Court in W.P.No.3174 of 2005 wherein the order of suspension passed by the Revenue Divisional Officer was suspended pending decision of the appellate authority should be continued even after the appeal has been disposed of.

4 . Since in the present case, the Revenue Divisional Officer was directed to complete the disciplinary enquiry against the petitioner expeditiously, the petitioner's interests would be protected, if a direction is issued to the 2nd respondent-Revenue Divisional Officer to complete the disciplinary enquiry against the petitioner, in accordance with law, as expeditiously as possible, not later than 31-7-2005 and communicate its decision to the petitioner within a period of two weeks thereafter.

5. Writ petition is disposed of accordingly. No order as to costs.

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Ramesh Ranganathan,J

23rd June, 2005

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Joint Collector, Visakhapatnam District, Visakhapatnam
2 The Revenue DIvisional Officer, Visakhapatnam DIstrict, Visakhapatnam.

3. 2 CCs to G.P. for Civil Supplies, High Court Buildings, Hyderabad (OUT)

4. 2 CD copies

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THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

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